

ADR

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6

1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

2 FEB 13 A 10:32

3 Name HERMOSILLO Jose H RICHARD W. WIEKING  
4 (Last) (First) (Initial) CLERK

U.S. DISTRICT COURT  
NO. DIST OF CA. S.J

5 Prisoner Number CRE-216 / 08001367

6 Institutional Address 885 N. SAN PEDRO ST.  
7 SAN JOSE, CA 95110

8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 JOSE HORACE HERMOSILLO

(Enter the full name of plaintiff in this action.)

12 C08 00915 JF

13 Case No.  
(To be provided by the clerk of court)

14 vs.  
15 SANTA CLARA COUNTY /SC C.J.  
16 CPT. D. SEPULVEDA

17 SGNT. P. CORSO #2348 } COMPLAINT UNDER THE  
18 OFF. KOLB # 1778 } CIVIL RIGHTS ACT,  
19 OFF. WHITE # 1624 } 42 U.S.C §§ 1983

(Enter the full name of the defendant(s) in this action))

20 *[All questions on this complaint form must be answered in order for your action to proceed.]*

21 I. Exhaustion of Administrative Remedies

22 [Note: You must exhaust your administrative remedies before your claim can go  
23 forward. The court will dismiss any unexhausted claims.]

24 A. Place of present confinement SANTA CLARA CO. MAIN JAIL

25 B. Is there a grievance procedure in this institution?

26 YES  NO

27 C. Did you present the facts in your complaint for review through the grievance  
28 procedure?

29 YES  NO

30 D. If your answer is YES, list the appeal number and the date and result of the

31 PRIMARY APPEAL # 69071

32 COMPLAINT

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal # 69071 3-1-07 HANDED GRIEVANCE  
4 TO SGT. HERNANDEZ DUE TO PREVIOUS  
5 CURTAILING AND UNDERMINING OF MY CLAIMS. First  
6 formal level # 69071 3-28-07 RECEIVED BY OFF.  
7 KOLB AND FORWARDED TO LEVEL II

8  
9 3. Second formal level # 69071 4-5-07 RECEIVED BY  
10 SGT. SIMONSON #1657 STATED MY CLAIMS  
11 HAD NO MERIT AND REFERRED TO LEVEL III. Third  
12 formal level # 69071 4-19-07 RECEIVED BY  
13 LT. M. CONNER #1207 WHOM CONCURRED  
14 WITH SGT SIMONSON'S DISPOSITION ABOVE.

15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you? I APPEALED TO THE MAIN JAIL COMPLEX COMMANDER CAPTAIN DAVID SEPULVEDA WHOM  
17 YES ( ) NO (X) STATED MY CLAIM WAS CLOSING DUE  
TO LACK OF EVIDENCE.

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why.

20 N/A

21  
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,  
24 if any.

25 JOSE HORACE HERMOSILLO  
26 885 N. SAN PEDRO ST.  
27 SAN JOSE, CA 95110

28 B. Write the full name of each defendant, his or her official position, and his or her

1 place of employment.

2 SANTA CLARA COUNTY / S.C.C.J.

3 CPT. DAVID SEFOLVADA MAIN JAIL COMPLEX COMMANDER

4 P. CORSO #2348 INTELL/CLASS SGT. S.C.C. MAIN JAIL

5 KOLB # 1778 CORRECTIONAL OFFICER S.C.C. MAIN JAIL

6 WHITE # 1624 INTELL/CLASS OFFICER SCC. JAIL III.

7 Statement of Claim

8 State here as briefly as possible the facts of your case. Be sure to describe how each  
9 defendant is involved and to include dates, when possible. Do not give any legal arguments or  
10 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a  
11 separate numbered paragraph.

12 FROM 8-25-05 TO 3-29-07 OFFICER KOLB HAS  
13 PEKSISTENTLY HARACED, THREATEND, BELITTLED AND  
14 INTIMIDATED ME IN RETALIATION FOR REFUSING TO  
15 COOPCRATE AS A JAIL HOUSE INFORMANT. UPON  
16 FILING A GRIEVANCE I WAS SUBJECTED TO  
17 REPRISAL TO THE EXTENT OFFICER KOLB TOOK AN  
18 AGGRESSIVE BELIEERANT STANCE AGAINST ME ON 3-2-07  
19 ON 3-29-07 OFF. WHITE REITERATEL KOLB'S PHYSICAL  
20 THREAT OF VIOLENCE TO PLACE ME IN PROTECTIVE  
21 CUSTODY BY FORCE VIA EXTRACTION TEAM UNLESS I  
22 COOPERATED AS AN INFORMANT

23 ON 4-3-07 SGT CORSO INTELL/CLASS TOOK REPRISAL  
24 AGAINSTS ME FOR RCPORTING BOTH OFF. WHITE AND KOLB  
25 CONTINUED ON PAGE 3-A

26 IV. Relief  
27 Your complaint cannot go forward unless you request specific relief. State briefly exactly  
what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

28 THE COURT ISSUE A PRELIMINARY IN TUTIONI AGAINTS S.C.C.J

1 CLASS/INTELL USE OF HARRASSMENT, THREATS AND  
2 INTIMIDATION ON INMATES REFUSING TO COOPERATE AS  
3 JAIL HOUSE INFORMANTS, FURTHERMORE I ASK THE COURT  
4 HOLD SCL CO ACCOUNTABLE BY ORDERING IT TAKE THE NECESS-  
5ARY STEPS TO BRING SCCJ CLASS/INTELL DEPT. INTO COMPLIANCE  
6 WITH THE LAW BY SETTING NEW POLICY PROHIBITING SUCH  
7 MALICIOUS PRACTICES AGAINSTS INMATES CIVIL RIGHTS

I declare under penalty of perjury that the foregoing is true and correct.

8

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Signed this 31<sup>st</sup> day of JANUARY, 20 08

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11

Joe Hernandez

(Plaintiff's signature)

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# County of Santa Clara

Department of Correction

180 West Hedding Street  
San Jose, California 95110-1772  
(408) 808-3640 FAX 288-8271



# COPY

Edward C. Flores  
Chief of Correction

May 8, 2007

Mr. Jose Hermosillo #06071895  
885 N. San Pedro Street  
San Jose, CA 95110

Dear Mr. Hermosillo:

I am in receipt of your 5-page grievance dated March 1, 2007, concerning your complaint about Officer Kolb.

After conducting a lengthy and thorough investigation into the facts, no evidence was found to substantiate your complaint. As such, I consider the matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Sepulveda".

Captain David Sepulveda  
Main Jail Complex Commander

DS/gw

c: Internal Affairs Unit  
Sgt. Corso, Classification Unit

I have received your  
May 29th letter regarding  
this same subject.  
As, I have already advised  
you, the matter is closed.

Capt. 6/4/07

MAY, 29 2007

CPT. DAVID SEPULVALA  
150 W. HEILIGING ST.  
SAN JOSE, CA. 95110

SUBJECT: 2ND COPY OF LETTER SENT  
TO YOU ON MAY 7 2007.

DEAR: CPT. SEPULVALA

THE LEGALITY OF YOUR CLASS, INTELL DEPARTIMENT POLICIES AND PROCEDURES IS IN QUESTION. THE USE OF HARASSMENT, INTIMIDATION AND REPRISAL TO COERCCE INMATES INTO COOPERATING AS JAIL HOUSE INFORMANTS INFRINGES OUR CIVIL RIGHT AGAINST CRUEL AND UNUSUALL PUNISHMENT U.S. CONST. 8TH AMENDMENT. I DEMAND S.C.C.J. TAKE THE NECESSARY STEPS TO BRING THE INTELL/CLASS DEPT. INTO COMPLIANCE WITH THE LAW. BY SETTING NEW POLICY PROHIBITING SUCH MALICIOUS PRACTICES AND REQUIRE ALL STAFF BE TRAINED ON IT.

IT SHOULD BE NOTED OFFICER KOLB AS WELL AS THE INTELL/CLASS DEPT. HARASSMENT AND SUBSEQUENT REPRISAL STEMS FROM THE INABILITY TO FORCE ME INTO COOPERATING AS AN INFORNIANT FOR THE SANTA CLARA SPECIAL ENFORCEMENT TEAM ON 8-26-05 AND WITH CLASS/INTELL THEREAFTER.

SIR ON 3-1-07 I FILED A HARASSMENT GRIEVANCE AGAINSTS C.O KOLB. I PERSONALY HANDED TO SGT. HERNANDEZ WHOM AGREED TO DELIVER DIRECTLY TO YOU. REASON BEING, CLASS/INTELL PREVIOUS CURTAILING OF MY CLAIMS. SEE GRIEVANCE # 68124 AND 68196. FURTHERMORE GRIEVANCE # 67757 WHERE UPON SGT. CORSO UNDERMINED MY CLAIM SUPPORT MY COURSE OF ACTION.

ON 3-2-07 AT APPROX. 1:00PM WHILE WAITING TO BE TRANSPORTED TO COURT C.O. KOLB TOOK REPRISAL AGAINTS ME FOR THE AB-OVE FILED GRIEVANCE, BY APPROCHING ME AT VISIT BOOTH #6 ON THE 4TH FLOOR AND THREATENED ME BY TAKING A BELIGERANT STANCE. HE WENT ON TO SHOUT DIRECTLY AT ME 3X'S "YOU WANT TO TALK SHIT, YOU STILL TALKING SHIT" "YOU'LL SEE!!" CAUSING ME TO FEAR FOR MY SAFETY RESULTING IN EMOTIONAL DISTRESS AND MENTAL ANGUISH. IT SHOULD BE NOTED THIS TOOK PLACE IN THE PRESENCE OF A FELLOW INMATE AND OFFICERS WHITLOCK AND GONZALEZ.

ON OR ABOUT MID MARCH SGT. SIMONSON INTERVIEWED ME REGARDING GRIEVANCE # 69071. AT THIS TIME I MADE HIM AWARE OF OFF. KOLB'S THREAT/REPRISAL. TO WHICH HE INDICATED THAT HE WOULD INVESTIGATE BOTH MATTERS, STATING I WOULD RECEIVE A WRITTEN LETTER RESPONSE WITHIN A WEEK. NEITHER WAS RECEIVED UNTILL A MONTH AFTER I WAS TRICKED/COERCED INTO P.C.

ON 3-29-07 OFF SAUNDERS DECEIVED ME INTO EXITING MY CELL FOR AN ATTOURNEY INTERVIEW. REALIZING IT WAS A RUSE BY CLASS/INTELL I RESPECTFULLY ASKED TO BE RETURNED TO MY CELL AS I HAD NOTHING TO SAY TO OFF. WHITE. THUS I TURNED TOWARDS 4-B-SIDE DOOR TO WHICH OFF. —

SAUNDERS RESPONDED BY JERKING ME VIOLENTLY BY MY SHIRT THIS LAYING ON OF HANDS WAS UNCALLED FOR AS I DID NOT POSE ANY SAFETY RISK TO THE STAFF. AT THIS POINT OFF WHITE THREATENED TO PLACE ME INTO P.C. VIA PHYSICAL HARM IF I REFUSED TO COOPERATE.

LATER THAT AFTERNOON OFF KOLB REVERTED TO INTIMIDATION OF ME, BY SNEERING AND STARING ME DOWN WHILE WORKING THE DESK PANNEL DURING CHOW DISTRIBUTION. HE WENT ON TO MOCK ME WITH CONDESCENDING LAUGHTER. I FILED A GRIEVANCE ON 3-29-07 AND HANDED TO SGT HERNANDEZ ONCE AGAIN FOR REASONS ALREADY STATED ABOVE. IT HAS BEEN OVER (2) MONTHS AND THIS GRIEVANCE REMAINS UNANSWERED. I THEREFORE HANDED SAID GRIEVANCE TO L.T. RODRIGUEZ FOR COPYNG ON 5-22-07.

ON 4-19-07 I RECEIVED A RECEIPT FOR GRIEVANCE # 69071 STATING MY CLAIMS HAD NO MERIT. ITS APPARENT THIS ADMINISTRATION PURPOSELY DELAYED INVESTIGATION INTO MY CLAIMS OF HARASSMENT AND SUBSEQUENT REPRISAL UNTIL AFTER MY PLACEMENT TO P.C. ON 4-3-07 VIA WAY OF RUSE AND DECEPTION IN AN EFFORT TO JUSTIFY CLASS /INTELL REPREHENSIBLE ACTIONS. SUDDENLY VOICING CONCERN FOR MY SAFETY. IT SHOULD BE NOTED THAT WHILE I ENDURED THE ABUSIVE MISTREATMENT BY THESE OFFICERS THIS ADMINISTRATION WAS NOT CONCERNED WITH MY SAFETY AND REMAINED IN G.P. HOWEVER ONCE MY FAMILY BECAME INVOLVED BY CONTACTING INTERNAL AFFAIRS CLASS /INTELL SGT-

CORSO REVERTED TO LIES AND MANIPULATION TO COVER UP HIS OFFICERS AND HIS VERY OWN GROSS MISCONDUCT BY ORDERING ME PLACED INTO P.C. AND LYING IN HIS RESPONSE TO MY GRIEVANCE # 69007 AND # 69201, DELIBERATELY MISQUOTING ME.

ON 4-3-07 OFF. SAUNDERS THREATENED ME WITH PHYSICAL FORCE OF VIOLENCE IF I REFUSED TO INTERVIEW WITH SGT CORSO. I ASKED SGT CORSO WHY WAS I THREATENED TO BE EXTRACTED IF I REFUSED TO INTERVIEW. HIS RESPONSE WAS " IT'S NOT A THREAT, AND WE WILL BEAT THE SHIT OUT OF YOU JUST AS GOOD IF NOT BETTER THAN ANY INMATES COULD."

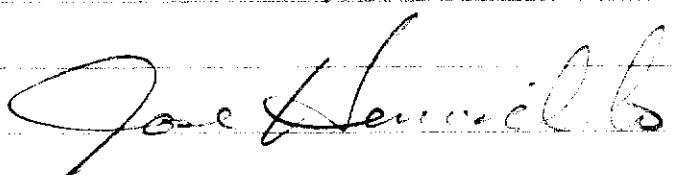
PLEAS NOTE OFF. BABASA COOROBORATED SAID PLAN TO EXTRACT ME AS HE INFORMED ME ON 4-9-07 THAT HE WAS IN FACT SUITING UP THAT DAY. AND WAS GLAD I HAD RELЕНDED.

SGT CORSO WENT ON TO SAY DUE TO MY CALL TO I.A. AS WELL AS MY SISTERS ON 4-2-07 VOICING A CONCERN FOR MY SAFETY HIS ACTIONS WERE JUSTIFIED. I DISAGREE AS THE CALLS WAS FOR FEAR AND CONCERN OF THIS VERY ROGUE BEHAVIOR AND REPRISAL I AM SUBJECTED TO BY SGT CORSO AND HIS OFFICERS.

I REQUESTED A THOROUGH INVESTIGATION BE CONDUCTED ON THE AFOREMENTIONED FACTS, INCLUDING CALLS PLACED TO I.A. ON 3-30-07, 4-2-07 AND 4-9-07 WHERE UPON MR. KELTER EXCISED CRITICAL COOROBORATING FACTS ABOUT MY HARASSMENT CLAIM. TO NO AVAIL, AS THIS ADMINISTRATION REFUSES TO HOLD THESE OFFICERS ACCOUNTABLE.

I WOULD LIKE TO REITERATE THAT YOUR SUBORDINATES MISCONDUCT CONSTITUTE AN ENREGIOUS ABUSE OF POWER. THE FAILURE TO RESPOND TO MY GRIEVANCE DATED 3-29-07 ON KOIBS REPRISAL AND THE MISTHANDLING OF THIS ENTIRE INVESTIGATION AMOUNTS TO A DISGRACEFULL ATTEMPT TO COVER UP CORRUPTION AND BIATANT VIOLATION OF MY CIVIL RIGHTS. AS SUCH WHAT I'M LOOKING TO ACCOMPLISH BY THE LAWSUIT IS TO HAVE THESE OFFICERS DISCIPLINED. BY YOUR FAILURE TO PUNISH THEM YOU ARE ENCOURAGING FUTURE MISCONDUCT LIKE THIS, NOT ONLY BY THESE OFFICERS BUT OTHERS AS WELL.

SINCERELY,

A handwritten signature in black ink, appearing to read "Joe Henricks". The signature is fluid and cursive, with "Joe" and "Henricks" being the most distinct parts.

JS 44 - CAND (Rev. 11/04)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

**I.(a) PLAINTIFFS**

HERMOSILLO JOSE H.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

S.C.C.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

IN PRO PER

**DEFENDANTS** SANTA CLARA COUNTY / S.C. COUNTY JAIL  
S.C.C.J. CPT. D. SEPULVEDA  
S.C.C.J. SGT. P. CORSO # 2348  
S.C.C.J. OFF. KOLB # 1778  
S.C.C.J. OFF. WHITE # 1624

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT S.C.C.

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**II. BASIS OF JURISDICTION** (PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff  
 3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PTF                        | DEF                        | PTF   | DEF                        |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- Original Proceeding       Removed from State Court       Remanded from Appellate Court       Reinstated or Reopened       Transferred from Another district (specify)       Multidistrict Litigation       Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY <input type="checkbox"/> 310 Airplane	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 368 Personal Injury Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assauit Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers Liability			<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 161 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Exc. Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 180 Other Contract		<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 893 Environmental Matters
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus:	<input type="checkbox"/> 861 HIA (1385f)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIVC/DIVW (405(g))	<input type="checkbox"/> 960 Constitutionality of State Statutes
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSDI Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 250 All Other Real Property	<input type="checkbox"/> 445 Amer w/ disb - Emp	<input type="checkbox"/> 555 Prison Condition		
	<input type="checkbox"/> 446 Amer w/ disb - Other			
	<input type="checkbox"/> 480 Consumer Credit			
	<input type="checkbox"/> 490 Cable/Satellite TV			

**VI. CAUSE OF ACTION** (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) U.S. CONSTITUTION AMEND. 8, CRUEL UNUSUAL PUNISHMENT AND XIV. I WAS REPEATEDLY HARASSED IN RETALIATION FOR REFUSING TO COOPERATE AS AN INFORMANT FROM 8-25-05 TO 4-3-07. I WAS SUBJECTED TO THREATS OF VIOLENCE FROM CLASS / INTELL PERSONNEL FOR SAID REFUSAL AND ULTIMATELY ENDED WITH PLACEMENT INTO PROTECTIVE CUSTODY AGAINST MY WILL VIA WAY OF RUSE AND COERCION. FURTHER SUBJECTING ME TO UNLAWFUL FIRST AMENDMENT RETALIATION DUE TO MY DECISION TO ENGAGE IN PROTECTED CONDUCT.

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION. DEMAND \$  CHECK YES only if demanded in complaint.

UNDER F.R.C.P. 23 PRELIMINARY INJUNCTION. JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S)** PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE  
IF ANY RE-FILE "NOTICE OF RELATED CASE".

N/A

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**  
(PLACE AND "X" IN ONE BOX ONLY)

SAN FRANCISCO/OAKLAND

SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

PLEASE NOTE I'M RE FILING  
DUE TO ORDER OF DISMISSAL  
NO. C07-3163 JF (PRI) DATE & 1-17-08  
WITH OUT DRAFT INVOICE.